

Patent
TH-1354 (US)
COM:JBL

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Carl O. McClenney
Date: September 5, 2002

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PETITIONS OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID RANDOLPH SMITH

Serial No.: 09/533,471

Filed: March 23, 2000

METHOD TO MONITOR INTERNAL
PARAMETERS OF ELECTRICAL
MOTOR SYSTEMS

Group Art Unit: 2882

Examiner: C. Thomas

September 5, 2002

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PETITIONS OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

STATEMENT OF FACTS

I, CARL O. MCCLENNY, THE UNDERSIGNED, MAKE THE FOLLOWING
STATEMENTS ON INFORMATION AND BELIEF IN REGARD TO THE ABOVE-
IDENTIFIED APPLICATION.

1. Mr. Richard F. Lemuth is Associate General Counsel – Intellectual Property Services for Shell Oil Company.
2. On or about June 18, 2002, Mr. Lemuth received a telephone call from Examiner Thomas of the USPTO.
3. Mr. Thomas informed Mr. Lemuth that the USPTO had mailed an Office Action on October 25, 2001 for Shell's application S/N 09/533,471 filed on March 23, 2000 and having Shell Oil Company Docket No. TH-1354.

4. Mr. Thomas inquired as to whether Shell Oil Company had intended to abandon patent application S/N 09/533,471 since the USPTO had received no response to the Office Action mailed by the USPTO on October 25, 2001.
5. Mr. Lemuth advised Mr. Thomas that he would look into the matter and call him back.
6. On June 19, 2002, Mr. Lemuth placed a telephone call to the Attorney of Record in the application, Ms. Beverlee Steinberg, who was on temporary assignment outside the US.
7. Ms. Steinberg stated that she was familiar with the application and that the inventor, Mr. David Randolph Smith, was no longer an employee of Shell.
8. Mr. Smith is also named as inventor in other patent applications assigned to Shell which Ms. Steinberg was also handling as Attorney of Record for Shell.
9. Ms. Steinberg recalled that she had placed a "note-to-file" in one of Mr. Smith's applications recommending abandonment of the application by Shell.
10. Upon reviewing the TH-1354 file, Mr. Lemuth found that it did, in fact, contain such a note; however, contrary to normal procedures, the note had not been circulated to Mr. Lemuth, to the Docket Clerk or anyone else and that no action had been taken on anyone's part to abandon the application.
11. The application, therefore, remained on the Active Docket of Shell.
12. Shell routinely files equivalent applications on its US applications throughout the world.
13. Ms. Steinberg believed that she had checked the TH-1354 file and that all non-US equivalents of the application had been abandoned.
14. On that basis, Ms. Steinberg, concluding that Shell had lost interest in the TH-1354 application, drafted the above-referenced "note-to-file" and placed it in the file.
15. In checking the file for TH-1354 however, Mr. Lemuth found that the application had actually been filed in many countries and that all foreign-filed equivalents remained active.
16. Apprised of this fact, Ms. Steinberg confirmed to Mr. Lemuth that she had made a mistake in the case, that she had a different application in mind when she made the above-noted recommendation to abandon.
17. Ms. Steinberg had no intention to abandon patent application S/N 09/533,471.

18. On June 21, 3002, Mr. Lemuth left a phone message with Examiner Thomas telling him that Shell had made a mistake in the application and had not intended to abandon the application and that a Petition to Revive the application would be filed as soon as possible.

Respectfully submitted,

DAVID RANDOLPH SMITH

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